

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*,
Plaintiffs,

v.

DALE FOLWELL, *et al.*,
Defendants.

No. 1:19-cv-00272-LCB-LPA

**STATE HEALTH PLAN DEFENDANTS' MOTION *IN LIMINE*
TO EXCLUDE IRRELEVANT EMOTIONAL DISTRESS EVIDENCE AND
UNQUALIFIED SCIENTIFIC AND/OR MEDICAL NECESSITY EVIDENCE**

Defendants, the North Carolina State Health Plan for Teachers and State Employees, Dale Folwell (in his official capacity as State Treasurer of North Carolina), and Dee Jones (in her official capacity as Executive Administrator of the State Health Plan) (the Plan Defendants), by and through undersigned counsel, respectfully move this Court to enter an Order *in Limine* to preclude Plaintiffs from placing irrelevant evidence of emotional damages before the jury, whether by testimony or exhibit, and to further preclude non-expert witnesses, *i.e.*, Plaintiffs and their surrogates, from offering evidence regarding the efficacy or medical necessity of the services for which coverage is sought through this lawsuit. A memorandum in support is filed contemporaneously herewith.

Respectfully submitted this the 10th day of June, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2022, the foregoing *Motion in Limine* was filed electronically with the Clerk of Court using the CM/ECF electronic filing system, which will send notification of such filing to all registered users.

/s/ John G. Knepper

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